

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HILDA L. SOLIS,

Petitioner,

v.

LUNSFORD ARCHITECTS & ENGINEERS,
INC.

Respondent.

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Case No. 3:09-cv-861-MJR-DGW

ORDER

On October 6, 2010, the Court held a hearing on the Department of Labor's Motion to Compel Respondent to Comply with Subpoena Duces Tecum. Respondent Paul Lunsford appeared and produced documents, which were forwarded to the Petitioner. Petitioner notified the Court that the documents produced at that hearing did not comply fully with requests made in the original administrative subpoena. Petitioner requested a second hearing on the matter, which was held before the undersigned United States Magistrate Judge on December 13, 2010. Bruce C. Canetti appeared on behalf of Petitioner Hilda L. Solis. Paul Lunsford, *pro se*, appeared on behalf of Respondent Lunsford Architects & Engineers, Inc.

In its order setting the hearing (Doc. 17), the Court ordered Respondent to produce a list of documents pertaining to Respondent's retirement plan ("Plan") under the Employee Retirement Income Security Act (ERISA). At the hearing, Respondent did not produce any documents. Paul Lunsford was placed under oath and testified that he did not possess many of the requested documents.

DISPOSITION

The Court **ORDERS** Respondent to provide Petitioner with the following documents:

canceled checks for payments to employees (responsive to request L, Doc. 17); any correspondence he received from the Plan as a Plan participant (responsive to request S, Doc. 17); and any correspondence in his possession to or from his bookkeepers, former bookkeepers, and insurance agents, pertaining to the Plan (responsive to request U, Doc. 17). In addition, Respondent is **ORDERED** to search for any and all documents requested by Petitioner (see list, Doc. 17). For documents Respondent is unable to produce, Respondent Paul Lunsford is **ORDERED** to submit in writing to Petitioner, for each document requested, a statement indicating that he was not able to find responsive documents and specifying what attempts he made to find them.

Respondent is **ORDERED** to produce these documents by **January 7, 2011**.

The Clerk is **DIRECTED** to mail via United States Mail a copy of this order to Respondent **Lunsford Architects & Engineers, Inc., 2470 Dr. Springs Road, Carterville, Illinois, 62918.**

IT IS SO ORDERED.

DATED: December 13, 2010

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge